

REMARKS

Summary of the Office Action

In the Office Action, claims 1 and 14 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,932,872 to *Price*.

Claims 2, 3, 4, 8, and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Summary of the Response to the Office Action

Applicant has amended claims 1, 2, 14, and 15. Claims 5-7 and 9-13 have been withdrawn and claims 3, 4 and 8 have been amended to correct minor informalities in the claims. Accordingly, claims 1-15 are pending with claims 1-4, 8, and 14-15 under consideration.

Objection to the Claims:

Claims 2, 3, 4, 8, and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 2 and 15 are rewritten in independent form to include all the features of their base claim. Accordingly, Applicant respectfully submits that dependent claims 3-4 and 8 are also allowable insofar as they recite the patentable combinations of features recited in newly rewritten claim 2, as well as reciting additional features that further distinguish over the applied prior art. Therefore, Applicant respectfully asserts that the objection to claims 2, 3, 4, 8, and 15 should be withdrawn and the claims passed onto allowance.

All Subject Matter Complies with 35 U.S.C. § 102(b)

Claims 1 and 14 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,932,872 to *Price*. Applicant respectfully traverses the rejection for the following reasons.

Applicant respectfully submits that the Office Action has not established that *Price* anticipates each and every feature of Applicants' claimed invention and that all rejections under 35 U.S.C. § 102(b) should be withdrawn. Namely, Applicants contend that newly amended independent claims 1 and 14 recite the feature of "a focused position of a first observation point stored in the focused position storage device, is shifted from the first observation point to a second observation point, the focused position detection device sets a search range for the second observation point based on the stored focused position of the first observation point." At least this feature is not disclosed or taught by *Price*.

On the other hand, *Price* discloses that "[b]inary search autofocus is carried out by defining two focus positions between which focus is thought to exist and sequentially dividing the range in half to narrow down on the best focus." Col. 9, lines 29-32 of *Price*. *Price* does not disclose or teach the above-described characteristic features of amended claims 1 and 14. Because *Price* does not disclose the above-mentioned feature, it cannot anticipate the invention recited in claims 1 and 14.

As pointed out in MPEP § 2131, a claim is anticipated by a prior art reference only if each and every element as set forth in the claim is found. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051 (Fed. Cir. 1987). Therefore, Applicant respectfully asserts that the

rejection under 35 U.S.C. § 102(b) should be withdrawn because *Price* does not teach or suggest each feature of newly amended independent claims 1 and 14.

CONCLUSION

In view of the foregoing, Applicant respectfully requests reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of the Response, the Examiner is invited to contact the Applicant's undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this Response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. §1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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